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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,361	09/14/2004	Timothy C. Bonerb	BON.US.55	5360
24111	7590	01/17/2008	EXAMINER	
MESMER & DELEAULT, PLLC 1 NEW HAMPSHIRE AVE. SUITE 125 PORTSMOUTH, NH 03801			FOX, CHARLES A	
		ART UNIT	PAPER NUMBER	
		3652		
		NOTIFICATION DATE	DELIVERY MODE	
		01/17/2008	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)
	10/711,361	BONERB, TIMOTHY C.
	Examiner	Art Unit
	Charles A. Fox	3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 October 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,7,8,10-18,20-27 and 29-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,7,8,10-18,20-27 and 29-32 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 October 2007 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
6) Other: _____

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 31, 2007 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1,2 and 7, 8,10-18, 20-27 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bailey et al. in view of Ivchenko et al. and further in view of Bonnel. Bailey et al. US 3,236,422 teaches a method of emptying a container comprising:

providing a substantially conical bottom in a container;

providing a plurality of pie shaped air permeable zones edge to edge with one another;

said air permeable zones fluidizing the bulk material near each of said zones to increase flow of the material;

providing the container with a wall liner. Bailey et al. does not teach intermittent cycling of the pneumatic pressure or a donut at the outlet of the container.

Ivchenko et al. US 3,669,317 teaches a method of emptying a container comprising the steps:

providing a sloped lower wall in a container;

providing a pneumatic membrane along a lower portion of said lower wall;

providing a series of donut shaped inflatable structures near the outlet of the container;

intermittently inflating the donuts structures while providing air to the pneumatic membranes to fluidize bulk material in the vicinity of the membrane. Ivchenko et al. do not teach inflating one section at a time in series.

Bonnel teaches a method and apparatus for fluidizing bulk material comprising:

providing a conical container with a series of air permeable zones;

providing air to said zones such that bulk material in the immediate vicinity of the zones is fluidized such that it flows under the force of gravity;

wherein the zones are pressurized intermittently one to another to increase the flow of material from the container. It would have been obvious at the time of invention to modify the methods taught by Bailey et al. by providing donut structures as taught by Ivchenko et al. in order to loosen stuck material at any and all points in the discharge cone in a manner that is easy to retrofit to existing containers and to alternate the air in the various sections in series as taught by Bonnel in order to minimize bridging of the material being unloaded.

Response to Amendment

Amendments filed on October 31, 2007 have been entered into the record.

Response to Arguments

Applicant's arguments with respect to claims 1 and 11 have been considered but are moot in view of the new ground(s) of rejection.

The prior art made of record and not relied upon but considered pertinent to applicant's disclosure is: Stambera 1960, Paton 1966, Walters 1983, and Dalske et al. 1994. All dealing with pneumatic membranes for fluidizing bulk material to facilitate unloading from a container.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Fox whose telephone number is 571-272-6923. The examiner can normally be reached on 7:00-4:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on 571-272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Charles A. Fox 1-10-88
Charles A. Fox
Primary Examiner
Art Unit 3652